

115TH CONGRESS  
1ST SESSION

# S. 1061

To assure equity in contracting between the Federal Government and small business concerns, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MAY 4, 2017

Mr. UDALL (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

---

## A BILL

To assure equity in contracting between the Federal Government and small business concerns, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Assuring Contracting  
5     Equity Act of 2017”.

**6 SEC. 2. FEDERAL CONTRACTING GOALS.**

7       (a) INCREASE IN CERTAIN GOALS.—Section  
8 15(g)(1)(A) of the Small Business Act (15 U.S.C.  
9 644(g)(1)(A)) is amended—

1                         (1) in clause (i), by striking “not less than 23  
2                         percent” and inserting “not less than 25 percent”;

3                         (2) by striking “not less than 5 percent” each  
4                         place that term appears and inserting “not less than  
5                         10 percent”; and

6                         (3) by striking “not less than 3 percent” each  
7                         place that term appears and inserting “not less than  
8                         6 percent”.

9                         (b) LIMITATION ON NUMBER OF CATEGORIES FOR  
10 WHICH A SMALL BUSINESS MAY QUALIFY.—Section  
11 15(g) of the Small Business Act (15 U.S.C. 644(g)) is  
12 amended by adding at the end the following:

13                         “(4) LIMITATION ON NUMBER OF CATEGORIES  
14 FOR WHICH A SMALL BUSINESS MAY QUALIFY.—

15                         “(A) DEFINITION.—In this paragraph, the  
16                         term ‘specified category’ means small business  
17                         concerns, small business concerns owned and  
18                         controlled by service-disabled veterans, qualified  
19                         HUBZone small business concerns, small busi-  
20                         ness concerns owned and controlled by socially  
21                         and economically disadvantaged individuals, and  
22                         small business concerns owned and controlled  
23                         by women.

24                         “(B) LIMITATION.—Except as provided in  
25                          subparagraph (C), a Federal agency may in-

1 include a business concern in not more than 2  
2 specified categories for purposes of determining  
3 whether the Federal agency has met the Gov-  
4 ernment-wide goals under this subsection for  
5 the award of contracts to business concerns in  
6 specified categories.

18 SEC. 3. IMPROVING TRANSPARENCY TO ASSIST SMALL  
19 BUSINESS CONCERNs.

20       Section 15(h)(2) of the Small Business Act (15  
21 U.S.C. 644(h)(2)) is amended—

22                   (1) in subparagraph (E)(viii)(VIII), by striking  
23                   “and” at the end;  
24                   (2) in subparagraph (F), by striking the period  
25                   at the end and inserting “; and”; and

(3) by adding at the end the following:

2                 “(G) for the Federal Government, the per-  
3                 centage of participation by small business con-  
4                 cerns for the total value of all prime contract  
5                 awards and subcontract awards for a fiscal  
6                 year, including the value of each prime contract  
7                 and subcontract awarded for the fiscal year.”.

8 SEC. 4. COMPLIANCE WITH SMALL BUSINESS SUBCON-  
9 TRACTING GOALS.

10 The Administrator of the Small Business Administra-  
11 tion shall consult with the heads of other Federal agencies  
12 to develop and implement standards for procurement offi-  
13 cers to take into consideration the past compliance of po-  
14 tential contractors with small business subcontracting  
15 goals when making contract awards.

○